

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN ASSEMBLY JUNE 2, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 827

Introduced by Assembly Member O'Donnell

*(Coauthors: Assembly Members Bloom, Bonilla, Chiu, Gordon, and
Low)*

(Coauthor: Senator Block)

February 26, 2015

An act to amend Section 234.1 of the Education Code, relating to safe schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, O'Donnell. Safe schools: Safe Place to Learn Act: lesbian, gay, bisexual, transgender, and questioning pupil resources.

Existing law establishes the system of public elementary and secondary schools in this state, and provides for the establishment of local educational agencies to operate these schools and provide instruction to pupils. Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular

monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying, as specified, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

~~This bill would require each school district, county office of education, and charter school serving pupils in any of grades 7 to 12, inclusive, to provide the department to also assess whether the local educational agency has provided to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, as part of the information publicized, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified. By imposing additional duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) All pupils deserve and need safe and supportive school
- 4 environments in which to learn.
- 5 (2) Despite much progress, California lesbian, gay, bisexual,
- 6 transgender, and questioning (LGBTQ) pupils often face verbal,
- 7 physical, and online harassment, which has significant effects on
- 8 their academic achievement.
- 9 (3) In the Gay Lesbian & Straight Education Network's
- 10 (GLSEN) 2013 National School Climate Survey, 91 percent of
- 11 California LGBTQ pupils reported hearing anti-LGBTQ remarks,
- 12 7 in 10 reported being called names or threatened based on their

1 sexual orientation, nearly one-third reported physical harassment
2 or assault, and 46 percent reported cyberbullying.

3 (4) These problems have direct effects on pupils' school
4 performance. GLSEN survey data shows that the average grade
5 point average for LGBTQ pupils who have experienced harassment
6 is significantly lower than for LGBTQ pupils who have not, and
7 that 30 percent of LGBTQ pupils report frequently skipping class
8 or missing whole days of school because they felt unsafe at school.

9 (5) In spite of these problems, research has shown that LGBTQ
10 pupils who are harassed or assaulted in school do not report these
11 incidents to school staff, primarily because they believe school
12 staff will not do anything about the problem.

13 (6) Creating supportive learning environments for LGBTQ
14 pupils improves pupil performance. Pupils in schools with peer
15 support clubs report less harassment and assault, are more likely
16 to report incidents when they occur, and are less likely to miss
17 school because of safety concerns.

18 (7) The federal Centers for Disease Control and Prevention
19 (CDC) monitors and funds local efforts to provide professional
20 development for educators on safe and supportive environments
21 for LGBTQ pupils, foster schoolsite resources such as Gay Straight
22 Alliance clubs and "safe spaces" for LGBTQ pupils, and promote
23 referrals to school and community health professionals with
24 experience providing support to LGBTQ pupils.

25 (8) CDC data shows that only 50 percent of California schools
26 facilitate access to schoolsite and community health resources for
27 LGBTQ pupils, and only 39 percent have peer support clubs.

28 (b) The Legislature therefore encourages school districts, county
29 offices of education, and charter schools to provide information
30 on existing schoolsite and community resources as required by
31 subdivision (c) of Section 234.1 of the Education Code as part of
32 a more comprehensive effort to educate school staff on the support
33 of LGBTQ pupils.

34 SEC. 2. Section 234.1 of the Education Code is amended to
35 read:

36 234.1. The department, pursuant to subdivision (b) of Section
37 64001, shall monitor adherence to the requirements of Chapter 5.3
38 (commencing with Section 4900) of Division 1 of Title 5 of the
39 California Code of Regulations and this chapter as part of its
40 regular monitoring and review of local educational agencies,

1 commonly known as the Categorical Program Monitoring process.
2 The department shall assess whether local educational agencies
3 have done all of the following:

4 (a) Adopted a policy that prohibits discrimination, harassment,
5 intimidation, and bullying based on the actual or perceived
6 characteristics set forth in Section 422.55 of the Penal Code and
7 Section 220 of this code, and disability, gender, gender identity,
8 gender expression, nationality, race or ethnicity, religion, sexual
9 orientation, or association with a person or group with one or more
10 of these actual or perceived characteristics. The policy shall include
11 a statement that the policy applies to all acts related to school
12 activity or school attendance occurring within a school under the
13 jurisdiction of the superintendent of the school district.

14 (b) Adopted a process for receiving and investigating complaints
15 of discrimination, harassment, intimidation, and bullying based
16 on any of the actual or perceived characteristics set forth in Section
17 422.55 of the Penal Code and Section 220 of this code, and
18 disability, gender, gender identity, gender expression, nationality,
19 race or ethnicity, religion, sexual orientation, or association with
20 a person or group with one or more of these actual or perceived
21 characteristics. The complaint process shall include, but not be
22 limited to, all of the following:

23 (1) A requirement that, if school personnel witness an act of
24 discrimination, harassment, intimidation, or bullying, they shall
25 take immediate steps to intervene when safe to do so.

26 (2) A timeline to investigate and resolve complaints of
27 discrimination, harassment, intimidation, or bullying that shall be
28 followed by all schools under the jurisdiction of the school district.

29 (3) An appeal process afforded to the complainant should he or
30 she disagree with the resolution of a complaint filed pursuant to
31 this section.

32 (4) All forms developed pursuant to this process shall be
33 translated pursuant to Section 48985.

34 (c) Publicized antidiscrimination, antiharassment,
35 anti-intimidation, and antibullying policies adopted pursuant to
36 subdivision (a), including information about the manner in which
37 to file a complaint, to pupils, parents, employees, agents of the
38 governing board, and the general public. The information shall be
39 translated pursuant to Section 48985. ~~Each school district, county~~
40 ~~office of education, and charter school serving pupils in any of~~

1 ~~grades 7 to 12, inclusive, shall provide to certificated schoolsite~~
2 ~~employees who serve pupils in any of grades 7 to 12, inclusive,~~
3 ~~as part of the information publicized, information on existing~~
4 ~~schoolsite and community resources related to the support of~~
5 ~~lesbian, gay, bisexual, transgender, and questioning (LGBTQ)~~
6 ~~pupils. Schoolsite resources may include, but are not limited to,~~
7 ~~peer support or affinity clubs and organizations, safe spaces for~~
8 ~~LGBTQ pupils, counseling services, staff who have received~~
9 ~~antibias or other training aimed at supporting these pupils or who~~
10 ~~serve as designated support to these pupils, health and other~~
11 ~~curriculum materials that are inclusive of, and relevant to, these~~
12 ~~pupils, online training developed pursuant to Section 32283.5, and~~
13 ~~other policies adopted pursuant to this article, including related~~
14 ~~complaint procedures. Community resources may include, but are~~
15 ~~not limited to, community-based organizations that provide support~~
16 ~~to LGBTQ pupils and their families, and physical and mental health~~
17 ~~providers with experience in treating and supporting these pupils.~~

18 *(d) Provided, incident to the publicizing described in subdivision*
19 *(c), to certificated schoolsite employees who serve pupils in any*
20 *of grades 7 to 12, inclusive, who are employed by the local*
21 *educational agency, information on existing schoolsite and*
22 *community resources related to the support of lesbian, gay,*
23 *bisexual, transgender, and questioning (LGBTQ) pupils. Schoolsite*
24 *resources may include, but are not limited to, peer support or*
25 *affinity clubs and organizations, safe spaces for LGBTQ pupils,*
26 *counseling services, staff who have received antibias or other*
27 *training aimed at supporting these pupils or who serve as*
28 *designated support to these pupils, health and other curriculum*
29 *materials that are inclusive of, and relevant to, these pupils, online*
30 *training developed pursuant to Section 32283.5, and other policies*
31 *adopted pursuant to this article, including related complaint*
32 *procedures. Community resources may include, but are not limited*
33 *to, community-based organizations that provide support to LGBTQ*
34 *pupils and their families, and physical and mental health providers*
35 *with experience in treating and supporting these pupils.*

36 ~~(d)~~

37 *(e) Posted the policy established pursuant to subdivision (a) in*
38 *all schools and offices, including staff lounges and pupil*
39 *government meeting rooms.*

40 ~~(e)~~

1 (f) Maintained documentation of complaints and their resolution
2 for a minimum of one review cycle.

3 ~~(f)~~

4 (g) Ensured that complainants are protected from retaliation
5 and that the identity of a complainant alleging discrimination,
6 harassment, intimidation, or bullying remains confidential, as
7 appropriate.

8 ~~(g)~~

9 (h) Identified a responsible local educational agency officer for
10 ensuring school district or county office of education compliance
11 with the requirements of Chapter 5.3 (commencing with Section
12 4900) of Division 1 of Title 5 of the California Code of Regulations
13 and this chapter.

14 ~~SEC. 3. If the Commission on State Mandates determines that~~
15 ~~this act contains costs mandated by the state, reimbursement to~~
16 ~~local agencies and school districts for those costs shall be made~~
17 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
18 ~~4 of Title 2 of the Government Code.~~